

JAP:UAD

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

JOSE NUNEZ DE LA CRUZ,

Defendant.

PRE-ARRAIGNMENT

COMPLAINT

(21 U.S.C. §§ 952(a)  
and 960)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

ILIANA PAGAN, being duly sworn, deposes and states that she is a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about July 16, 2012, within the Eastern District of New York and elsewhere, defendant JOSE NUNEZ DE LA CRUZ did knowingly, intentionally and unlawfully import into the United States from a place outside thereof cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for her belief are as follows:<sup>1/</sup>

1. On July 16, 2012, defendant JOSE NUNEZ DE LA CRUZ, a citizen of the United States, arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard Jet Blue flight 830 from Santiago, Dominican Republic.

2. During an enforcement examination by Customs and Border Protection ("CBP") officers, DE LA CRUZ stated that he had been in the Dominican Republic for a funeral. When asked why he did not have a suit in his luggage, he said that one had been rented for him. De La Cruz was traveling on a ticket purchased in cash the day of travel. He also had two other short trips to the Dominican Republic in the past four months. CBP also noticed that he defendant appeared extremely nervous.

3. Based on these facts, CBP officers performed a pat down inspection of DE LA CRUZ, which was negative.

4. CBP contacted DE LA CRUZ's mother in the Dominican Republic, who said that there had not been any recent deaths in the family. She further said that she did not know her son had been in the Dominican Republic.

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<sup>1/</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

5. DE LA CRUZ was then presented with an x-ray consent form which he said he understood and signed. DE LA CRUZ was transported to the medical facility at JFK, and an x-ray was taken of his intestinal tract. The x-ray was positive for foreign bodies. DE LA CRUZ initially passed one (1) pellet, one of which field-tested positive for cocaine.

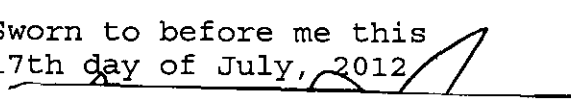
6. DE LA CRUZ will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that defendant JOSE NUNEZ DE LA CRUZ be dealt with according to law.



ILIANA PAGAN  
Special Agent  
U.S. Department of Homeland Security  
Homeland Security Investigations

Sworn to before me this  
17th day of July, 2012



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